

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lamar McDaniels,

PLAINTIFF,

v.

Ofc. Branton, Ofc. Jordan,

DEFENDANTS.

Case No. 6:19-cv-02257

Order

Petitioner Lamar McDaniels, a *pro se* pretrial detainee, brings this action pursuant to 42 U.S.C. § 1983. ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 19.

The magistrate judge previously issued an order finding that the complaint failed to state a claim upon which relief may be granted because the complaint, even liberally construed, failed to plausibly allege that the defendants were deliberately indifferent to plaintiff. *See* ECF No. 12. Additionally, the magistrate judge instructed the plaintiff that he may attempt to correct the defects in his complaint by filing an amended complaint. *Id.* The plaintiff then filed an Amended Complaint. ECF No. 15. The magistrate judge then filed the instant Report.

In the Report, the magistrate judge found that the amended complaint failed to correct the defects in the original complaint and therefore failed to state a claim upon which relief may be granted. *See* ECF No. 19. The Plaintiff asserts that the Defendants were “negligent” as he was not properly handled while he was in handcuffs and leg restraints while being transported. *See* ECF No. 1. Plaintiff did not file objections to the Report. This matter

is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 19, is **ACCEPTED**. This action is hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

May 13, 2020
Columbia, South Carolina